

USSN: 10/010,839  
Atty. Docket No.: 10141/2  
Amdt. dated April 28, 2004  
Reply to Office Action of January 28, 2004

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### REMARKS/ARGUMENTS

Upon entry of the claim amendments, Claims 1-10 and 12-21 will be all the claims pending in the application.

Applicants have incorporated the subject matter of Claim 11 into Claim 1. Claim 11 has been canceled. Claim 1 has been further amended so that it is now directed to the preferred embodiment, wherein the core layer is an isotactic propylene homopolymer. Page 4, lines 18-32, of the specification. Support for the optional addition of the additives to the core layer can be found at page 8, lines 6-32, for example.

Claims 3-5, 7, and 12 have been rewritten as independent claims.

No new matter has been added.

Referring to the **objection to the abstract of the disclosure** presented at Section Nos. 2 and 3, page 2, of the Action, Applicants have amended the abstract as proposed by the Examiner. Withdrawal of the objection is respectfully requested.

Referring to the **objection to the disclosure** at Section No. 4, page 2, of the Action, the status of the parent application has been updated.

Referring to the **objection to the title** at Section No. 5, page 3, of the Action, Applicants have amended the title as proposed by the Examiner. Withdrawal of the objection is respectfully requested.

The Office Action contains a pair of **obviousness-type double patenting rejections**, presented at Section Nos. 7 and 8, pages 3-4, of the Action. Both double patenting rejections are based on co-pending U.S. Application No. 10/134,903, which has been published as US 2003/0203230 A1.

Applicants are submitting herewith a terminal disclaimer. Rejections based on obviousness-type double patenting can be avoided by filing a terminal disclaimer. The filing of a terminal disclaimer to obviate rejections based on obviousness-type double patenting is not an admission of the propriety of the rejections, and raises neither a presumption nor estoppel on the merits of the rejections. MPEP §804.02. Accordingly, the withdrawal of these double patenting

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rejections is respectfully requested.

The Office Action contains a pair of **prior art rejections**, presented at Section Nos. 10 and 11, page 5, of the Action. In particular:

Claims 1, 2, 6, 9, and 10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 0 641 647 ("EP '647"); and

Claims 1, 2, and 6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,461,555 to Freedman.

Applicants, however, note with appreciation the Examiner's indication of allowable subject matter at Section No. 12, page 5, of the Action. In addition, Claims 3, 7-8, and 11-21 have not been rejected under §§102 or 103.

The subject matter of Claim 11 has been incorporated into Claim 1. Each of Claims 2, 6, 9 and 10 depends from Claim 1. Therefore, Applicants respectfully request the withdrawal of the present §102 and §103 rejections.

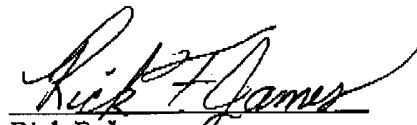
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In addition, in view of the filing of the terminal disclaimer, and the fact that Claims 3-5, 7, and 12 have been rewritten as independent claims, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: April 28, 2004

  
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